

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARREN DUTTERER,

Plaintiff,

vs.

THOMAS KALPERIS INTERNATIONAL,  
INC.,


Defendant.

CIVIL ACTION NO. 10-CV-6889(MMB)

AND NOW, this 4<sup>th</sup> day of February, 2010, having considered Defendant Thomas Kalperis International, Inc.'s Motion to Dismiss Plaintiff's Complaint for failure to state a claim (Doc. 5) and Plaintiff Darren Dutterer's Response in Opposition thereto (Doc. \_\_), said Motion is DENIED.

**ORDER**

BY THE COURT:

  
J.